

## PATENT COOPERATION TREATY

PCT

## NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Assistant Commissioner for Patents  
United States Patent and Trademark  
Office  
Box PCT  
Washington, D.C.20231  
ETATS-UNIS D'AMERIQUE

in its capacity as elected Office

Date of mailing (day/month/year) 09 October 2000 (09.10.00)	
International application No. PCT/US00/05300	Applicant's or agent's file reference 7460L/MH
International filing date (day/month/year) 29 February 2000 (29.02.00)	Priority date (day/month/year) 05 March 1999 (05.03.99)
Applicant FULMER, Andrew, Wayne et al	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:  
07 September 2000 (07.09.00)

☐ in a notice effecting later election filed with the International Bureau on:  
\_\_\_\_\_

2. The election ☒ was  
☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35	Authorized officer Charlotte ENGER Telephone No.: (41-22) 338.83.38
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## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference <b>74601/MH</b>	<b>FOR FURTHER ACTION</b> see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. <b>PCT/US 00/ 05300</b>	International filing date (day/month/year) <b>29/02/2000</b>	(Earliest) Priority Date (day/month/year) <b>05/03/1999</b>
Applicant  <b>THE PROCTER &amp; GAMBLE COMPANY</b>		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 4 sheets.



It is also accompanied by a copy of each prior art document cited in this report.

**1. Basis of the report**

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.



the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :



contained in the international application in written form.



filed together with the international application in computer readable form.



furnished subsequently to this Authority in written form.



furnished subsequently to this Authority in computer readable form.



the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.



the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☒ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (see Box II).

**4. With regard to the title,**

the text is approved as submitted by the applicant.



the text has been established by this Authority to read as follows:

**5. With regard to the abstract,**

the text is approved as submitted by the applicant.



the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

**6. The figure of the drawings to be published with the abstract is Figure No.**

as suggested by the applicant.



because the applicant failed to suggest a figure.



because this figure better characterizes the invention.



None of the figures.

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

## Continuation of Box I.2

Present claims 1-10 relate to an extremely large number of possible compounds/products/methods. Support within the meaning of Article 6 PCT and/or disclosure within the meaning of Article 5 PCT is to be found, however, for only a very small proportion of the compounds/products/methods claimed. In the present case, the claims so lack support, and the application so lacks disclosure, that a meaningful search over the whole of the claimed scope is impossible. Consequently, the search has been carried out for those compounds/products/methods described in the examples.

The applicant's attention is drawn to the fact that claims, or parts of claims, relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure.

## INTERNATIONAL SEARCH REPORT

International Application No

PCT/US 00/05300

**A. CLASSIFICATION OF SUBJECT MATTER**  
IPC 7 A61K7/06

According to International Patent Classification (IPC) or to both national classification and IPC

**B. FIELDS SEARCHED**

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, PAJ, WPI Data, CHEM ABS Data

**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 5 807 820 A (P.M. ELIAS) 15 September 1998 (1998-09-15) cited in the application claim 1 column 2, line 53-57 -----	1

☐ Further documents are listed in the continuation of box C.

Patent family members are listed in annex.

° Special categories of cited documents :

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&amp;" document member of the same patent family

Date of the actual completion of the international search

9 August 2000

Date of mailing of the international search report

17/08/2000

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2  
NL - 2280 HV Rijswijk  
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,  
Fax: (+31-70) 340-3016

Authorized officer

Peeters, J

## INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/US 00/05300

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 5807820 A	15-09-1998	BE 1002266 A	13-11-1990
		CH 679119 A	31-12-1991
		DE 3915617 A	16-11-1989
		FR 2631235 A	17-11-1989
		GB 2218334 A, B	15-11-1989
		IT 1232832 B	05-03-1992
		JP 1977742 C	17-10-1995
		JP 2017127 A	22-01-1990
		JP 7005473 B	25-01-1995

## PATENT COOPERATION TREATY

## PCT


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## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 7460L/MH	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US00/05300	International filing date (day/month/year) 29/02/2000	Priority date (day/month/year) 05/03/1999
International Patent Classification (IPC) or national classification and IPC A61K7/06		
Applicant (THE PROCTER & GAMBLE COMPANY) THE UNIVERSITY OF TEXAS SOUTHWESTERN ...		
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of sheets.</p>		
<p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"><li>I <input checked="" type="checkbox"/> Basis of the report</li><li>II <input type="checkbox"/> Priority</li><li>III <input checked="" type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</li><li>IV <input type="checkbox"/> Lack of unity of invention</li><li>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</li><li>VI <input type="checkbox"/> Certain documents cited</li><li>VII <input checked="" type="checkbox"/> Certain defects in the international application</li><li>VIII <input type="checkbox"/> Certain observations on the international application</li></ul>		
Date of submission of the demand  07/09/2000	Date of completion of this report  21.11.2000	
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer  Ekholm, M  Telephone No. +49 89 2399 8210	



# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/US00/05300

## I. Basis of the report

1. This report has been drawn on the basis of *(substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments (Rules 70.16 and 70.17).):*

### Description, pages:

1-30 as originally filed

### Claims, No.:

1-10 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/US00/05300

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

### III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

- ☐ the entire international application.
- ☒ claims Nos. 1-10.

because:

- ☒ the said international application, or the said claims Nos. 1-9 relate to the following subject matter which does not require an international preliminary examination (*specify*):  
**see separate sheet**
- ☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):
- ☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.
- ☒ no international search report has been established for the said claims Nos. 10.

2. A meaningful international preliminary examination report cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

- ☐ the written form has not been furnished or does not comply with the standard.
- ☐ the computer readable form has not been furnished or does not comply with the standard.

### V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	10
	No:	Claims	
Inventive step (IS)	Yes:	Claims	10
	No:	Claims	
Industrial applicability (IA)	Yes:	Claims	10



**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. PCT/US00/05300

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No: Claims 1-9

2. Citations and explanations  
**see separate sheet**

**VII. Certain defects in the international application**

The following defects in the form or contents of the international application have been noted:  
**see separate sheet**

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT - SEPARATE SHEET**

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International application No. PCT/US00/05300

**III. Non-establishment of opinion**

- 3.1 Claims 1-9 have not been examined since they are related to a medical treatment (Rule 67.1(iv) PCT).
- 3.2 Examination of claim 10 has only been conducted for the parts which were searched.

**V. Reasoned statement under Rule 66(2)(a)(ii) PCT (N, IS, IA)**

- 5 For the assessment of the present claims 1-9 on the question whether they are industrially applicable, no unified criteria exist in the PCT Contracting States. The patentability can also be dependent upon the formulation of the claims. The EPO, for example, does not recognize as industrially applicable the subject-matter of claims to the use of a compound in medical treatment, but may allow, however, claims to a known compound for first use in medical treatment and the use of such a compound for the manufacture of a medicament for a new medical treatment.

- 5.1 Reference is made to the following document:

D1: US-A-5 807 820

**5.2 Novelty (Article 33(2) PCT)**

- 5.2.1 Document D1 discloses the use of Cyclosporin A to treat hair loss, which is an immunosuppressive compound. Therefore, the subject-matter of claim 10 is novel since no document has disclosed non-immunosuppressive compounds which can be used to treat hair loss.

**5.3 Inventive step (Article 33(3) PCT)**

- 5.3.1 The problem that the Applicant wishes to solve is to produce a composition

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT - SEPARATE SHEET**

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International application No. PCT/US00/05300

useful for treating hair loss which comprises a pharmaceutically acceptable analogue to Cyclosporin A since this is the most efficient growth stimulator known.

5.3.2 The proposed solution is to prepare a non-immunosuppressive analogue to Cyclosporin A, since it was found that immunosuppression is not required for hair growth stimulation.

5.3.3 Document D1 is the closest prior art since it relates to the problem of reducing hair loss by using a cyclosporin which can be applied topically without producing severe side effects (see D1 column 2 lines 19-62). The proposed solution is to use cyclosporin A (see D1 claim 2). There is no mention in D1 of using a cyclosporin which is non-immunosuppressive. The subject-matter of claim 10 involves an inventive step.

**VII. Certain defects in the international application (form or content)**

7.1 Some patents are not cited using their publication number (see page 26 (10 times); page 27 (9 times)).

# INTERNATIONAL SEARCH REPORT

International Application No

PCT/US 00/05300

**A. CLASSIFICATION OF SUBJECT MATTER**  
IPC 7 A61K7/06

According to International Patent Classification (IPC) or to both national classification and IPC

**B. FIELDS SEARCHED**

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, PAJ, WPI Data, CHEM ABS Data

**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
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☐ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

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"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search

9 August 2000

Date of mailing of the international search report

17/08/2000

Name and mailing address of the ISA

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Peeters, J

# INTERNATIONAL SEARCH REPORT

information on patent family members

International Application No

PCT/US 00/05300

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 5807820 A	15-09-1998	BE 1002266 A	13-11-1990
		CH 679119 A	31-12-1991
		DE 3915617 A	16-11-1989
		FR 2631235 A	17-11-1989
		GB 2218334 A, B	15-11-1989
		IT 1232832 B	05-03-1992
		JP 1977742 C	17-10-1995
		JP 2017127 A	22-01-1990
		JP 7005473 B	25-01-1995